

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 6074	DATE	12/13/2004
CASE TITLE	STEPHANIE HILL, et al vs. LYNCH CHEVROLET, INC., et al		

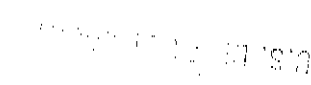
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

## MEMORANDUM OPINION AND ORDER

**DOCKET ENTRY:**

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. This action is stayed except for discovery limited to the issue of whether or not Hill signed the agreement consenting to arbitration or authorized another to sign for her. If that issue cannot be resolved by motion following discovery, we will call a special jury to decide. All discovery on that issue should be completed before a status set for February 9, 2005, at 9:15 a.m. Bank One N.A.'s motion to stay discovery is granted in part and denied in part.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	 COURT REPORTER COURT REPORTER	number of notices	<b>Document Number</b>  18
<input type="checkbox"/> No notices required.		date docketed	
<input type="checkbox"/> Notices mailed by judge's staff.		docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input type="checkbox"/> Mail AO 450 form.		Date/time received in central Clerk's Office	
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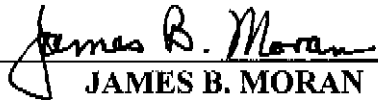
**MEMORANDUM OPINION AND ORDER**

**If Lynch wants us merely to stay the action, and prevails, this case will be stayed. Hill can refuse to proceed to arbitration and this dispute may never be resolved. That might not be a bad result for Lynch, but it also makes no sense. In reality, Lynch wants the stay because**

it wishes to arbitrate the dispute and believes it has a right to do so. Its motion implicates both §3 and §4. If Hill wants a jury trial limited to deciding the arbitration issue, she is entitled to it.

Accordingly, we stay this action except for discovery limited to the issue of whether or not Hill signed the agreement consenting to arbitration or authorized another to sign for her. If that issue cannot be resolved by motion following discovery, we will call a special jury to decide. All discovery on that issue should be completed before a status set for February 9, 2005, at 9:15 a.m. Bank One N.A.'s motion to stay discovery is granted in part and denied in part, as indicated above.

Dec. 13, 2004.

  
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JAMES B. MORAN  
Senior Judge, U. S. District Court